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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/685,067	10/14/2003	Gordon L. Brown JR.	30922-2	4373
75	590 10/12/2006		EXAM	INER
John B. Hardaway, III			DONNELLY, JEROME W	
NEXSEN PRUET JACOBS & POLLARD, LLC P.O. Box 10107			ART UNIT	PAPER NUMBER
Greenville SC 29603			3764	

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)			
Office Action Comments	10/685,067	BROWN, GORDON L.			
Office Action Summary	Examiner	Art Unit			
	Jerome W. Donnelly	3764			
The MAILING DATE of this communication app Period for Reply	_	·			
A SHORTENED STATUTORY PERIOD FOR REPL' WHICHEVER IS LONGER, FROM THE MAILING D Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication If NO period for reply is specified above, the maximum statutory period or - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tinuity will apply and will expire SIX (6) MONTHS from the cause the application to become ABANDONE	N. mely filed the mailing date of this communication. ED (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on					
· · · · · · · · · · · · · · · · · · ·	action is non-final.				
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closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims					
4)[X Claim(s) /-/ is/are pending in the application.					
4a) Of the above claim(s) is/are withdrawn from consideration.					
5) Claim(s) is/are allowed.					
6) ☑ Claim(s) <u>/-//</u> is/are rejected.					
7) Claim(s) is/are objected to.					
8) Claim(s) are subject to restriction and/o	or election requirement.				
Application Papers					
9) The specification is objected to by the Examine	er.				
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.					
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
Replacement drawing sheet(s) including the correc	tion is required if the drawing(s) is ob	ojected to. See 37 CFR 1.121(d).			
11) The oath or declaration is objected to by the Ex	xaminer. Note the attached Office	e Action or form PTO-152.			
Priority under 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. § 119(a	a)-(d) or (f).			
a) All b) Some * c) None of:					
1. Certified copies of the priority document	s have been received.				
2. Certified copies of the priority documents have been received in Application No					
Copies of the certified copies of the prior	rity documents have been receiv	ed in this National Stage			
application from the International Burea	u (PCT Rule 17.2(a)).				
* See the attached detailed Office action for a list	of the certified copies not receive	ed.			
		TOWNS TOWNS TO			
		ROME, DONNELLY IMARY EXAMINER			
Attachment(s)		HIARALI MANAGEMENT			
1) Notice of References Cited (PTO-892)	4) Interview Summar	y (PTO-413)			
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail D	Date			
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	6) Other:	Patent Application (PTO-152)			

Application/Control Number: 10/885,067

· Art Unit: 3764

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown.

Claims 1, 2, 3, 4, 5, 6,7, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown.

In regard to claims 1 and 8 Brown discloses a device comprising an elongated flexible rubber/plastic which is extruded through a thermo-plastic extruder in one embodiment and hand grips which serve as end closures. As far as said rod being loosely fitted note col. 7, line 9.

In regard to claim 2, Browns rod is manufactured of fiberglass.

In regard to claim 3, note Brown col. 3 and 4 and it disclosures of various types of fiber rods.

In regard to claim 4, note fig. 2.

In regard to claims 5 and 6 note. Table 1 of Brown Jr.

In regard to claim 7 note col. 2, lines 67 and 68.

In regard to claim 9, note element no fig. 2.

Claims 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Truchelut.

The examiner notes that it would have been obvious to one of ordinary skill in the art to

provide padding on the device of Brown for the purpose of allowing the user to place his device against the body and to enhance user comfort, in view of Truchelut.

In regard to claim 15, the examiner notes that it would have been obvious to manufacture the rod of Brown of a pultrution process See col. 8 line 37.

Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Cho.

In regard to claims 11-13 the examiner notes that to provide at least three rod members vs one rod member is obvious, in view of Cho. See Cho fig. 2.

In regard to claim 14, the claimed functionality of the device inherently causes an applied pressure to the edges of the rod.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Romanick in view of Nanni and Vasselli.

Romanick discloses a device being manufactured of plastic, plastic having a degree of flexibility, a rod (40) and closures on the ends.

As to the shape of the rod the examiner notes that it is known to manufacture weight means slidable in tubes of other shapes than circular. (Note Vasselli fig. 16 and 17. The examiner considers rectangular as another obvious shape.

The examiner further notes that lubricated tube members are obvious in view of Nanni, see col. 2, line 28.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the overall device of Spence.

Any inquiry concerning this communication should be directed to Jerome Donnelly at telephone number (571) 272-4975.

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JEROME DONNELLY PRIMARY EXAMINER

Jerome Donnelly